

# EPA files objection to 595 permit

By JOHN PEPIN  
Journal Staff Writer

MARQUETTE — Citing inadequate route alternatives analysis and stream and wetlands damage mitigation, the U.S. Environmental Protection Agency has filed a federal objection to issuing a permit for Marquette County Road 595.

In January, the Marquette County Road Commission applied for a federal Clean Water Act Section 404 permit for the project, which would build the new 21-mile, north-south road from County Road AAA in Michigamme Township to U.S. 41 in Humboldt Township.

The road commission now has until July 22 to address the issues voiced by the EPA. Meanwhile, the Michigan Department of Environmental Quality has similar concerns, its own review under way and a state permit issuing decision deadline of June 15.

"We're working through those issues...our goal is to get a permit for County Road 595," said Jim Iwanicki, the road commission's engineer-manager. "We've got some time to change their minds and that's what we're going to do."

Under an agreement, the Michigan Department of Environmental Quality can issue permits on behalf of the federal government, unless the EPA objects after reviewing the project.

The objection was sent from Tinka Hyde, director of the EPA's Water Division in Chicago, to the DEQ's Land and Water Management Division in Lansing. Previously, the U.S. Fish and Wildlife Service and U.S. Army Corps



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of Engineers wrote letters to the EPA critical of the project. Hyde's objection represented the combined federal comments of all three agencies.

The road commission has 90 days to remedy the concerns. If it does, the objection will be removed and the state could then issue the permit on behalf of the federal government.

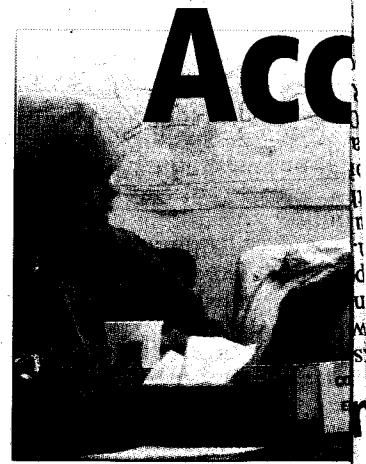
If the concerns are not met, the state could still issue its own permit for the project over the objection of the EPA, but the permit would have no federal authority. The road commission would then have to seek a federal permit from the U.S. Army Corps of Engineers.

Meanwhile, the state permit issuing process deadline could be extended to July 15, with agreement from the road commission.

The centerpiece issue state and federal officials are concerned about involves analysis of alternative routes studied by the road commission.

"That's where we're really closely aligned," said Steve Casey, Upper Peninsula district supervisor with the DEQ's Water Resources Division at K.I. Sawyer. "We sent the county a letter sug-

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Ishpeming Councilwomen Elaine and another woman react as fellow councilmen alleging someone on the council had information, specifically regarding Councilman's decision to interview for a position.

## Media leaks a

By JOHANNA BOYLE  
Journal Ishpeming Bureau

ISHPEMING — Ahead of today's election where three of members could be recalled from office, tensions erupted at a special Ishpeming City Council meeting Friday morning when two council members alleged that one of the council's members has been leaking confidential information.

The tension stemmed from information that was given to The Michigan Journal last week regarding City Manager Jered Ottenwess' decision to interview for the city manager position.

## Ishpeming move

By JOHN PEPIN  
Journal Staff Writer

MARQUETTE — An Ishpeming youth was sentenced to two to six years in state prison Friday, stemming from his involvement in a drive-by shooting in Marquette in January.

Philip Scott Swanson pleaded guilty recently in Marquette County Circuit Court under a plea agreement to one count of discharging a firearm in or at a building, and to being a second offense habitual offender.

In exchange for his plea, two additional charges, a 5-year felony weapons violation of possessing a short-barreled shotgun or rifle

State House. Senate sign letter supporting

## Road from 1A

gesting that they provide more information on the alternatives analysis because what they provided was pretty thin and we didn't feel it was adequate to support the conclusions they made."

Clean Water Act guidelines dictate that because road building is not a water-dependent activity, the road commission needs to show in its alternatives analysis that practicable alternatives do not exist which are less damaging to the aquatic environment.

Hyde said that once the alternative has been selected, the road commission must "demonstrate that is has avoided and minimized impacts to the maximum extent possible and compensated for any unavoidable impacts."

Hyde said that of nine alternatives studied to the County Road 595 route, two should be re-examined.

"The alternatives analysis describes practicable alternatives in addition to the county's preferred alternative that would meet the project purpose," Hyde wrote. "These include the Mulligan Plains East-Sleepy Hollow route and the County Road 510-Sleepy Hollow-Red Road-Wolf Lake Road route, which have fewer impacts to aquatic resources."

Casey said the way the law is written, "it's the applicant's responsibility to prove that the alternative they're asking for is the least environmentally damaging practical alternative."

"That's their responsibility and unless they meet that responsibility, there's no way that they can get a permit," Casey said.

State law has different wording, but the requirement is the same.

"What they (road commission officials) are going to do is provide more information on alternatives that were identified in their application that we feel they haven't eliminated as possibilities yet," Casey said. "The road commission is doing their best to complete the information that we've asked for and we're going to continue to work diligently to analyze everything they give us and see if it meets the statute."

Casey said the road commission has already provided some additional information, with more expected within a few days.

Once the proper alternative is established, then a determination will be made on whether the project is in the public's interest: "do the reasonably foreseeable benefits of the road exceed the reasonably foreseeable detriments," Casey said.

That determination is made based on a long list of fac-

tors.

"If the state determines that it is in the public interest, then we get to appropriate mitigation," Casey said.

From the federal perspective, Hyde said that beyond the issues with the alternatives analysis, "the project would lead to the significant degradation of aquatic resources and the proposed wetland and stream mitigation would not fully compensate for the loss of aquatic function and value."

The EPA said about 75 percent of the proposed wetland impacts from the proposed project are to forested wetland types which are difficult to replace resources.

Proposed compensatory mitigation includes 49.4 acres of wetland creation at five locations and 3.53 acres of wetland restoration at 26 locations along the proposed route — providing a wetland replacement ratio of 2:1 for forested wetlands and 1.5:1 for all other wetland types.

Mitigation for stream im-

pacts includes replacing undersized culverts as part of road construction and a bridge to replace three culverts and stream bed reconstruction within the Salmon Trout River.

To a lesser degree, additional EPA concerns involved movements of exotic species, migratory birds, Canada lynx and reptiles and amphibians.

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